

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 101200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101

8/5/87

REPLY TO
ATTN OF:

HW-113

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

M.G. Marsh
Todd Shipyard Corporation
P.O. Box 3806
Seattle, Washington 98124

Re: Harbor Island Superfund Site

Dear Mr. Marsh:

The United States Environmental Protection Agency (EPA) has documented the release or threatened release of hazardous substances at the above referenced site. As a result, the site is now listed on the National Priorities List pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (to be herein referenced as CERCLA), 42 U.S.C. Section 9601 et seq. EPA is considering spending public funds to further investigate the contamination at the site and take corrective action for control of hazardous substances at the site, unless it is determined that such action will be conducted properly by a responsible party.

Responsible parties under CERCLA include the current and past owner(s) or operator(s) of the site, and persons who generated the substances or were involved in the transport, treatment, or disposal of them at the site. Under CERCLA and other laws, Potentially Responsible Parties (PRPs) may be liable for all monies including interest thereon expended by the government to take necessary corrective action at the site including investigation, planning, and cleanup of the site. Use of the word "site" in this letter refers to the term "facility", as broadly defined in CERCLA.

EPA and the Washington State Department of Ecology (Ecology) encourage PRPs to perform or participate in the investigation and/or cleanup of the site. The PRPs may participate individually or as a group. In the event that PRPs elect not to participate, each PRP may be liable for site investigation, site cleanup, and for damages to natural resources. These liabilities are joint, strict, and several for all PRPs.

At this time, EPA is seeking to obtain additional information from you based on your responses dated August 21 and October 17, 1986, and March 27, 1987. Under the provisions of federal law, specifically Section 104 of CERCLA, 42 U.S.C. 9604, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6927, as amended by the Solid Waste Disposal Act Amendments of 1980, the Administrator of the EPA has the authority to



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require any person who generates, stores, treats, transports, disposes, or otherwise handles or has handled hazardous wastes and substances to furnish information related to such wastes and substances.

Pursuant to these statutory provisions, you are hereby requested to respond to the following items:

1. Additional information is needed on Todd-owned and leased property used for Todd Shipyard operations. Provide a description of operations and processes operated by Todd Shipyard Corporation since 1916. The description shall include the chronological duration of the operation, location of the operation on the site (including the King County, Washington, tax identification number), a general operation or process description (e.g., painting, sandblasting, machining), and a description of operation or process flow, including major changes in operation over the requested time period.
2. Please identify the hazardous materials associated with the operation (including quantity of materials, composition of mixtures, hazard class) and identify the hazardous wastes from these operations or processes. Include the specific types and constituents of anti-fouling and anti-corrosive paints, and their history of use. This information is needed to supplement Questions 3 and 4 of the previously submitted responses.
3. Our records indicate that Pier 17 has been leased by Todd Shipyard Corporation. Please confirm whether this is accurate.
4. Provide a description of specific hazardous materials storage areas (e.g., concrete berm, asphalt, sump), location of each storage area, and storage practices since 1916.
5. Provide a listing (types and quantities) of hazardous waste generation for each year since 1916. If available, copies of the Annual Generator Reports should be provided.
6. The Todd Hazardous Substance Disposal procedures cites compliance with the TSCA regulation for PCBs. Provide information regarding equipment containing PCBs, concentrations of PCBs, PCB spills, and PCB replacement or disposal.
7. Provide copies of all insurance policies that may provide liability coverage for damages resulting from releases of hazardous substances and/or hazardous wastes. Include policies that are currently in effect as well as those effective when hazardous substances were released in the past.

8. Provide copies of the three environmental investigations referenced in your 104(e) response to EPA. Include all analytical data obtained during these studies.
9. Provide a site map of property used for Todd's shipbuilding operations showing the location of storm drains. Is Todd Shipyard responsible for cleaning these storm drains? If so, how is material stored and where is it disposed? Provide the name and address of the transporter.
10. List the sources of sandblasting grits that have been used at Todd Shipyards. List the disposal sites for sandblasting grits.

Your written answers to these questions must be sent to EPA within 15 calendar days of your receipt of this letter. Your response should include all information you have for the site during the time you or your company owned, operated, or leased the property.

Under Section 3008 of RCRA, 42 U.S.C. 6928, failure to comply with this request may result in an order requiring compliance or a civil action for appropriate relief. Section 3008 of RCRA also provides for civil penalties. Pursuant to Section 103 of CERCLA, it is unlawful for any person knowingly to destroy, mutilate, erase, dispose, conceal, or otherwise render unavailable or unreadable, or falsify any of the above record.

EPA regulations governing confidentiality of business information are set forth in Part 2, Subpart B of Title 40 of the Code of Federal Regulations Federal Register 36902-36924 (September 1, 1976), as amended by 43 FR 3997 (September 8, 1978), 44 FR 17673 (March 23, 1979), 43 FR 11270 (March 17, 1983), and 50 FR 51663 (December 18, 1985). For any portion of the information submitted that is entitled to confidential treatment, please assert a confidentiality claim in accordance with 40 CFR 2.203(b). EPA will construe the failure to furnish a confidentiality claim with your response to this letter as a waiver of that claim, and information may be made available to the public by EPA without further notice.

Note that all information (including information claimed confidential) will be disclosed to an EPA contractor for technical review and evaluation under contract #68-01-7351, Project No. 05-A005-46, Work Assignment #46. The prime contractor is Jacobs Engineering Group, Incorporated, and the subcontractor is Tetra Tech, Incorporated. The purpose for this disclosure is deemed necessary by EPA to carry out the requirements of CERCLA. This disclosure will be carried out in accordance with procedures defined in 40 CFR 2.2036(b). Please indicate in your response if you have a concern regarding such release of information. All other releases of information will also follow the procedures defined in 40 CFR Part 2, Subpart B.

Please respond to EPA within the timeframe indicated above. Your

written response should be sent to Lori Cohen, U.S. Environmental Protection Agency, Superfund Branch, 1200 Sixth Avenue, HW-113, Seattle, Washington 98101. Please direct EPA policy and technical questions to Lori Cohen at (206) 442-2712, and legal questions to Deborah Gates at (206) 442-1218.

I hope you will give this matter your immediate attention.

Sincerely,

Charles E. Findley, Director
Hazardous Waste Division